

01-31-06

RCE



REQUEST FOR CONTINUED
EXAMINATION (RCE) TRANSMITTAL

Address to:
MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	09/894,160
<i>Filing Date</i>	June 27, 2001
<i>First Named Inventor</i>	David J. Metcalfe
<i>Art Unit</i>	2624
<i>Examiner</i>	James A. Thompson
<i>Attorney Docket No.</i>	XXT-053/D99821-US- NP/XERZ 2 00538

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

1. Submission required under 37 CFR 1.114

a. ☐ Previously submitted. If a final Office Action is outstanding, any amendments filed after the final Office Action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief filed on

ii. ☐ Other.

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement, PTO-Form 1449 and references

iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Applicant(s) hereby petition the Commissioner under 37 C.F.R. § 1.136(a) and request a **-month extension of time** to respond to the outstanding Office Action.

c. ☒ This request is being made based on the results of "Notice of Panel Decision from Pre-Appeal Brief Review" mailed on December 29, 2005. Therefore, it is considered that no extension of time fees are required. However, if such fees are required, authorization is granted to charge Deposit Account No. 24-0037 for such extensions.

02/01/2006 BABRAHA1 00000076 240037 09894160

01 FC:1801

790.00 DA

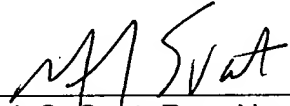
3. Fees (The RCE fee under 37 CFR 1.114(e) is required by 37 CFR 1.114 when the RCE is filed.)

CLAIMS AS FILED, LESS ANY CLAIMS CANCELED BY ABOVE-INDICATED AMENDMENT(S)				
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT LESS HIGHEST NUMBER PREVIOUSLY PAID FOR	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c))	19 - 20 =	0	x \$50	= \$0.00
INDEPENDENT CLAIMS (37 CFR 1.16(b))	3 - 3 =	0	x \$200	= \$0.00
MULTIPLE DEPENDENT CLAIMS (IF APPLICABLE) (37 CFR 1.16(d))		ANY -- 0	x \$360	= \$0.00
APPLICATION SIZE FEE (FOR APPLICATION THAT EXCEEDS 100 SHEETS, FEE FOR EACH GROUP OF 50 ADDITIONAL SHEETS)	0 GROUP(S)		x \$250	= \$0.00
BASIC RCE FEE (37 CFR 1.16(a))				\$790.00
TOTAL LARGE ENTITY FEE =				\$790.00
Payment for the filing of this Request for Continued Examination, any appropriate extension of time fees (and if applicable, the search and examination fees) are authorized to be charged to Deposit Account No. 24-0037.				

Respectfully submitted,

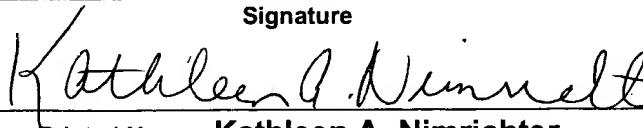
FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

January 30, 2006
Date


Mark S. Svat, Reg. No. 34,261
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

CERTIFICATE OF MAILING

I certify that this Request for Continued Examination (RCE) Transmittal and accompanying documents are being
☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8 and addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
☒ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 and addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.: EV 690737172 US	Signature 
Date: January 30, 2006	Printed Name: Kathleen A. Nimrichter

N:\XERZ\200538\KAN0005476V001.doc